

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Health and Human Services Appropriations Committee

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BILL: CS/SB 842

INTRODUCER: Transportation Committee and Senator Negron

SUBJECT: Motor Vehicles

DATE: April 2, 2010

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McManus	Meyer	TR	<b>Fav/CS</b>
2.	Hansson	Walsh	CF	<b>Favorable</b>
3.	Hardy	Hansen	HA	<b>Favorable</b>
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 842 requires the Department of Highway Safety and Motor Vehicles (DHSMV or the department) to include a check-off for a voluntary contribution to Prevent Child Sexual Abuse on each application and renewal form for motor vehicle registration. The bill also requires the DHSMV to include a check-off for a voluntary contribution to Prevent Child Sexual Abuse on applications for a driver's license, duplicate driver's license, driver's license renewal issuance, driver's license renewal extension, or identification card. The bill requires DHSMV to submit the revenue from contributions to Lauren's Kids, Inc., a not-for-profit organization, which has fulfilled the statutory requirements for being listed on the voluntary contribution check-off list. The bill consolidates all driver's license and identification card check-offs under s. 322.08, F.S.

The department estimates that the cost of reviewing the application and developing the voluntary contribution check-off list is approximately \$20,000. This cost will be defrayed by the \$20,000 application fee paid by Lauren's Kids, Inc.

This bill substantially amends the following sections of the Florida Statutes: 320.02, 322.08, and 322.18.

## II. Present Situation:

### *About Drivers' License Check-offs*

Section 322.081, F.S., provides the procedures an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a driver's license application. The check-off allows a person applying for or renewing a Florida driver's license to voluntarily contribute to one or more of the authorized organizations during the driver's license transaction. Before the organization is eligible, it must submit the following to the DHSMV at least 90 days before the convening of the regular session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

The DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.<sup>1</sup>

Pursuant to s. 322.08(7), F.S., the driver's license application and renewal forms currently include the following seven voluntary contribution check-offs. (The eighth, for Prevent Blindness Florida, is authorized in s. 322.18(9)(a), F.S.). The total revenue and revenue generated by each check-off in the last 5-year period are summarized in the chart below:<sup>2</sup>

<b>Driver License Check-offs/Voluntary Contribution</b>	<b>Statutory Authorization</b>	<b>Effective Date</b>	<b>Revenue Collected w/in last 5 years</b>	<b>Total Revenue Collected</b>
Organ & Tissue Donor Education (\$1)	1995-423, L.O.F.	7/1/1995	\$402,603	\$1,091,209
Prevent Blindness Florida (\$1)	1995-333, L.O.F.	10/01/1995	\$2,092,878	\$3,208,017
Florida Council of the Blind (\$1)	1996-413, L.O.F.	6/5/1996	\$185,343	\$482,340
Hearing Research Institute (\$2)	2000-313, L.O.F.	10/1/2000	\$185,053	\$320,988
Juvenile Diabetes Foundation International (\$1)	2000-313, L.O.F.	10/1/2000	\$592,835	\$1,017,278
Children's Hearing Help Fund (\$1)	2005-68, L.O.F.	7/1/2005	\$260,763	\$260,763

<sup>1</sup> Section 322.081(4)(a), F.S.

<sup>2</sup> The charts in this analysis were prepared by Senate staff as part of Senate Interim Report 2010-131, *Review of the Requirements for Establishing Specialty License Plates and Registration and Driver's License Check-Offs*, October 2009.

Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$150,047	\$150,047
Stop Heart Disease (\$1)	2009-100, L.O.F.	10/1/2009	\$0	\$0
<b>Total</b>			<b>\$3,869,522</b>	<b>\$6,530,642</b>

### *About Motor Vehicle Registration Check-offs*

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures which an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

<b>Registration Check-offs/Voluntary Contribution</b>	<b>Statutory Authorization</b>	<b>Effective Date</b>	<b>Revenue Collected w/in last 5 years</b>	<b>Total Revenue Collected</b>
*Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$478,310	\$3,191,012
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$210,421	\$19,244,868
*Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$422,228	\$1,067,533
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$284,239	\$586,143
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$253,237	\$649,751
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$155,605	\$362,242
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$567,325	\$968,679
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$350,902	\$542,973
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$225,256	\$225,256

Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	\$98,465	\$98,465
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$63,886	\$63,886
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$82,806	\$82,806
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$16,365	\$16,365
Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$176	\$176
<b>Total</b>			<b>\$3,209,221</b>	<b>\$27,100,155</b>

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the above corporations, trust funds, and organizations as shown in the chart above. The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.<sup>3</sup>

These contributions are not income revenue and are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exception of the Organ and Tissue Donor trust fund.<sup>4</sup>

The mission of Lauren's Kids, Inc., is to prevent sexual abuse of minors through educating children and adults about sexual predators, supporting survivors and their families in post-disclosure recovery and promoting awareness of sexual abuse laws. The not for profit organization educates adults and children about sexual abuse topics through an in school curriculum. Lauren's Kids, Inc., is a designated 501(c)(3) in the United States Internal Revenue Code making the organization exempt from some federal income taxes.

### III. Effect of Proposed Changes:

This bill amends ss. 320.02 and 322.08, F.S., to include a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms and on all driver's license application forms and identification card application forms to Prevent Child Sexual Abuse. The DHSMV would receive voluntary contributions and transfer those funds to Lauren's Kids, Inc. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S. According to DHSMV, Lauren's Kids, Inc., has met the requirements set forth in s. 320.023, F.S.

This bill also amends s. 322.18(9), F.S., to relocate provisions requiring the application form for renewal issuance or renewal extension of a driver's license to include language permitting the applicant to make a voluntary contribution to Prevent Blindness Florida and Family First to

<sup>3</sup> Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

<sup>4</sup> Section 320.02, F.S., and s. 322.081, F.S.

newly created subsection (i) of s. 322.08(7). The bill consolidates all driver's license and identification card check-offs under s. 322.08, F.S.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Applicants for motor vehicle registration and renewals and driver's licenses, driver's license duplicates, renewal issuances, renewal extensions, and identification cards willing to donate \$1 to Prevent Child Sexual Abuse, will have the option of doing so by selecting the check-off option on the application forms. Lauren's Kids, Inc., will benefit by receiving donations.

##### **C. Government Sector Impact:**

The department estimates that the cost of reviewing the application and developing the voluntary contribution check-off list is approximately \$20,000. Lauren's Kids, Inc., has paid an application fee of \$10,000 each for Motor Vehicle Registrations and Driver's License Applications, for a total of \$20,000, to defray these costs.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 2, 2010:**

Amendment 260328 serves to clarify the bill and associated statutes. DHSMV distributes funds weekly rather than quarterly. The amendment strikes “quarterly” from the bill. The DHSMV prints check-offs on all forms of driver’s license applications and identification card applications. The amendment clarifies these practices by consolidating all check-offs under s. 322.08, F.S.

- B. **Amendments:**

None.